

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-324
Administrative Law Judge Division
_____, 2015

RESOLUTION

RESOLUTION ALJ-324 - Dismissing the Appeal of Xentris Wireless, LLC from Supplier Clearinghouse Verification Order No. 11030165 issued by the Supplier Clearinghouse and closing proceeding K.15-04-023

SUMMARY

This resolution dismisses the Appeal of Xentris Wireless, LLC from Supplier Clearinghouse Verification Order No. 11030165 issued by the Supplier Clearinghouse pursuant to General Order 156 and closes proceeding K.15-04-023.

BACKGROUND

General Order (GO) 156 established the utilities' Supplier Diversity Program.¹ It also established the procedure for the electrical, gas, water, wireless telecommunications service provider, and telephone corporation with gross annual revenues exceeding twenty-five million dollars (\$25,000,000) and their commission-regulated subsidiaries and affiliates to submit annual detailed and verifiable plans for increasing women-owned, minority-owned, disabled veteran-owned and LGBT-owned business enterprises' (WMDVLGBTBs) procurement in all categories.²

¹ GO 156 implements California Public Utilities Code (Code) sections 8281-8286 and sets forth the framework and guidelines for the utilities' Supplier Diversity Program.

² The Legislature passed AB 3678 (Stats. 1986, ch. 1259), which requires California regulated utilities with \$25 million in annual revenues to establish a program to procure goods and services from woman- and minority-owned business enterprises. In response to AB 3678, the Commission issued GO 156, which established guidelines for the utilities to follow in meeting these requirements. (Code Sections 8281-8286).

To implement GO 156, the Commission contracts with an outside vendor (the Clearinghouse) to verify/certify/renew the women-owned business enterprises (WBEs), minority-owned business enterprises (MBEs) and the Lesbian, Gay, Bisexual and/or Transgender-owned business enterprises (LGBTBEs) (collectively WMLGBTBEs).³

Under GO 156, a firm seeking verification/certification as a WMLGBTBE completes a verification/certification form and submits it to the Clearinghouse. Applying Commission-approved criteria, the Clearinghouse verifies/certifies that the firm qualifies as a WMLGBTBE. Once verified/certified, the firm is included in the Clearinghouse database of the verified/certified firms. Using that database, the Utilities may contract with a verified/certified firm without having to independently verify/certify its qualifying status.

GO 156 also provides procedures for filing complaints or appeals of the Clearinghouse's verification decisions also referred to as verification orders.

THE APPEAL OF XENTRIS WIRELESS, LLC

On December 12, 2014, the Clearinghouse issued a verification order and denied a women/minority-owned business status verification application of Xentris Wireless, LLC (Appellant). Appellant filed a timely appeal of that verification order on April 28, 2015 (Appeal), which initiated proceeding K.15-04-023. An evidentiary hearing was set for October 28, 2015.

On October 23, 2015, Appellant requested that the evidentiary hearing be cancelled and that the Appeal be withdrawn (Attachment 1). No party opposes this request.

Therefore, the appeal is dismissed with prejudice.

COMMENT

Pursuant to Pub. Util. Code § 311(d) and Commission Rules of Practice and Procedure, Rule 14.6(c)(2), the 30-day review period is waived because this resolution grants requested relief and the relief request is uncontested.

ASSIGNMENT OF PROCEEDING

Kimberly H. Kim is the assigned Administrative Law Judge in this proceeding.

³ Disabled veteran-owned business enterprises (DVBE) are verified/certified by the California State Department of General Services (DGS). *See* Code section 8283(e)(2).

FINDINGS OF FACT

1. Appellant filed a timely Appeal, which initiated proceeding K.15-04-023.
2. On October 23, 2015, Appellant requested that the evidentiary hearing be cancelled and that the Appeal be withdrawn.
3. No party opposes Appellant's request.

CONCLUSIONS OF LAW

1. Appeal is now moot and should be dismissed with prejudice.
2. The 30-day review period should be waived.
3. The proceeding should be closed.

IT IS THEREFORE ORDERED that:

1. The Appeal of Xentris Wireless, LLC from Supplier Clearinghouse Verification Order No. 11030165 issued by the Supplier Clearinghouse pursuant to General Order 156 is dismissed with prejudice.
2. Proceeding K.15-04-023 is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at the conference of the Public Utilities Commission of the State of California held on _____, 2015, the following Commissioners voting favorably thereon:

Timothy J. Sullivan
Executive Director

ATTACHMENT 1

From: Bloom, Jerry R. [<mailto:JBloom@winston.com>]
Sent: Friday, October 23, 2015 6:43 PM
To: Kim, Kimberly
Cc: 'Herbert Hayden'
Subject: RE: Status Xentris Hearing

ALJ Kimberly;

This email is to provide notice that Xentris wishes to withdrawal of its Appeal now pending before the CPUC. We do not intend to move forward with the hearing currently scheduled for October 28th. Please let us know if a formal motion is required to effectuate the withdrawal of the Appeal. Mr. Hayden and I have coordinated on both the cancellation of the October 28th hearing and withdrawal of the Appeal. Thank you for your cooperation on this matter. Jerry Bloom

Jerry R. Bloom

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(End of Attachment 1)

***** SERVICE LIST *****

K1504023 LIST

Dismissing the Appeal of Xentris Wireless, LLC from Supplier Clearinghouse Verification Order
No. 11030165 issued by the Supplier Clearinghouse and closing proceeding K.15-04-023

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